

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 1:11-CR-218
T'MICHAEL JONES	:	

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
BASED ON SUBSTANTIAL ASSISTANCE**

The United States of America, by and through counsel, Sally Q. Yates, United States Attorney for the Northern District of Georgia, and Cassandra J. Schansman, Assistant United States Attorney, files this motion pursuant to United States Sentencing Guidelines (USSG) § 5K1.1¹ for a downward departure based on defendant T'Michael Jones' substantial assistance to the United States. In support of its application, the Government states as follows:

1. On May 3, 2011, a grand jury sitting in the Northern District of Georgia returned a twenty count Indictment against defendant and others for violations of Title 21, United States Code, Section 841(a) and Title 18, United States Code, Section

¹ The government is not seeking a departure below the mandatory minimum in this case, nor would the Court be authorized to grant such a departure as the government is not making a motion pursuant to 18 U.S.C. § 3553(e). Section 3553(e) limits the court's ability to depart below a minimum sentence absent a motion by the government.

924 (c). Prior to this date, in February 2011, a grand jury in the Middle District of Georgia had returned a nineteen count Indictment against defendant and others for similar violations involving a separate, but related, conspiracy.

2. On September 30, 2011, defendant pleaded guilty to Counts Eight and Nine of Indictment 1:10-CR-218, which charged defendant with possession with intent to distribute at least five kilograms of cocaine and possession of a firearm in furtherance of a drug trafficking offense, in violation of Title 21, United States Code, Section 841(a) and Title 18, United States Code, Section 924 (c); and Count One of Indictment 1:11-CR-439 (Docs. 1 in both cases).

3. Based on the Pre-sentence Investigation Report (PSR) prepared by United States Probation Department, defendant has a category I criminal history, an adjusted offense level of 40, and a custody guideline range of 210 to 262 months in prison. (PSR at 31). Defendant also faces a mandatory minimum 10-year sentence on the Middle District charges, as well as a 5-year mandatory minimum sentence on the Northern District charges. (Id. at 30).

4. By this motion, the United States moves for a downward departure based on defendant's substantial assistance to the Government. More specifically, defendant: (1) debriefed with

federal agents and (2) was prepared to testify against his co-defendants.

5. In sum, the Government respectfully requests that in sentencing defendant the Court depart downward, pursuant to USSG § 5K1.1. Precisely, the United States recommends that the Court depart fifteen percent (15%), which would, based on the current findings in the final PSR, result in a recommendation of 178 months incarceration for the drug trafficking offense, and a total recommended custodial sentence of 238 months.²

WHEREFORE, the United States respectfully requests that the Court grant its Motion For Downward Departure Based On Substantial Assistance.

Respectfully submitted, this 3rd day of August, 2012.

SALLY Q. YATES
UNITED STATES ATTORNEY

/s/ Cassandra J. Schansman
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² This includes the consecutive 60 months mandatory minimum for the 924(c) firearm offense.

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1C

This is to certify that the foregoing document was formatted in accordance with Local Rule 5.1B in Courier New font, 12 point type.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person/s listed below a copy of the foregoing document via the Electronic Case Filing system of the United States District Court for the Northern District of Georgia, which will automatically send an e-mail notification of such filing to the following attorney/s:

Steve Sadow, Esq.
steve8300@me.com

This 3rd day of August, 2012.

/s/ Cassandra J. Schansman
CASSANDRA J. SCHANSMAN
ASSISTANT UNITED STATES ATTORNEY